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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,853	06/14/2006	Seiji Asano	011050.57881US	5982
23911 7590 06/13/2011 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
LOUIE, WAE LENNY				
ART UNIT		PAPER NUMBER		
3661				
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06/13/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,853

Applicant(s)

ASANO, SEIJI

Examiner

WAE LOUIE

Art Unit

3661

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/1/2010, 11/16/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP 2002-144983A) in view of Nakajo et al (JP 2002-202895) and Pascal (20010046854).

Regarding applicant claims 1, 2, 3, 4, 10, 11 Suzuki discloses an information updating method for vehicle mounted control units comprising:

an information management base station transmitting a query to all vehicles under its management regarding whether or not a vehicle mounted control unit needs to be updated by the information management base station unit (abstract, "radio base stations 10 arranged as covering all over the country, signals are radio transmitted including a vehicle model identifying code A");

said information management base station selecting the vehicles to be updated based on the replies from the individual vehicles (abstract, "vehicle control device identifying code B"); and

said information management base station updating only the selected vehicles (abstract, "and correcting information C for the applicable vehicle control device 50").

Further, Pascal teaches a method of remotely updating the software of a mobile terminal, a method of a configuration in which update information is transmitted, if an information update is necessary to a terminal that has been woken up from a sleep state by way of an update request from an information management base station unit.

Nakajo further discloses updating vehicle basic function control program where radio waves are transmitted from a server 30 for a vehicle dealer. The contents of a vehicle basic function is stored by a decoding circuit 90 and rewriting circuit 92 based on the fetched cipher data (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Suzuki to obtain a configuration in which update information is transmitted, if an information update is necessary, and Pascal's teaching of the terminal that has been woken from a sleep state by way of an update request from the base station and Nakajo's performing reception and update processes for a modification program when the vehicle is in a substantially stationary state since these features are readily available in the art and would have been a matter of design choice.

Regarding applicant claims 5-9, 12-18, Suzuki discloses update information communication system wherein the information for the **reprogramming comprises at least one of programs and control constants for the vehicle mounted control units** (abstract);

but is silent when **wherein the update allowed state comprises a state in which the vehicle is parked and not in operation.**

Nakajo discloses updating basic vehicle functions, it would have been obvious to one of ordinary skill in the art to provide updated states of vehicles such as if the vehicle is parked since this is a basic vehicle function as disclosed by Nakajo.

Response to Amendment

Applicant's arguments, with respect to the rejection(s) of claim(s) 1-18 under Rai (6,222,463) in view of Jones (6,763,299). have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Suzuki (JP 2002-144983A) in view of Nakajo et al (JP 2002-202895) and Pascal (20010046854).

Both Suzuki and Nakajo discloses updating vehicle information from a base station. Pascal discloses updating mobile terminals more specifically mobile telephone terminals. The combination of these references clearly read on applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAE LOUIE whose telephone number is (571)272-5195. The examiner can normally be reached on M-F 0700-1530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661